



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,530	11/28/2001	Alan Walter Fink	Alan.P001	3549

7590  
Alan W. Fink  
8131 Miranda LN  
Sandy, UT 84093

01/26/2005

EXAMINER

DOAN, DUYN MY

ART UNIT	PAPER NUMBER
----------	--------------

2143

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/996,530	FINK, ALAN WALTER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duyen M Doan	2143	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10/29/03</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detail Action***

Claims 1-18 are presented for examination.

***Claim Objections***

Claim 10 is objected to because of the following informalities: applicant claimed "one or more of one or more directives" in claim 10 which is depend on claim 8, claim 8 did not mention any user directives. Examiner assumes claim 10 is depended on claim 9, not 8. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 10 recites the limitation "one or more directive of one or more directives " in claim 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

Claims 1-6, 9-12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamakura et al (us pat 6047310) in view of Deo et al (us pat 6304914).

**As regarding claim 1**, Kamakura et al disclosed maintaining a profile for each of a plurality of senders (col.2, line 1-27); establishing a recipient preference (col.2, line 1-38); comprehensive message comprising information according to the recipient preference and the profile for each of the plurality of senders (col.4, line 35-48); and delivering the single, comprehensive message to the recipient (col.4, line 35-48).

Kamakura et al did not expressly disclose generating a single, comprehensive message based on recipient preference and the profile of each of the plurality of senders.

Deo et al disclosed generating a single, comprehensive message comprising information according to the recipient preference and the profile for each of the plurality of senders (see figure 7, col.1, line 52-58 (first and second data packets are appended together to produce a merged data packet)).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Kamakura et al with Deo et al to generating a single, comprehensive message because by combining messages that are destined for a common address able to awake the mobile device less often and thus is able to conserve power on the mobile device (see Deo et al col.10, line 1-6).

**As regarding claim 2**, Kamakura et al disclosed maintaining the profile for each of the plurality of senders comprises: receiving one or more sender preferences (col.7, line 14-67); generating an action associated with a triggering event based on one or

more of the one or more sender preferences (col.7, line 14-67); and performing the action upon the occurrence of the triggering event (col.7, line 14-67).

**As regarding claim 3**, Kamakura et al disclosed the triggering event is determined by the recipient preference (col.4, line 39-67).

**As regarding claim 4**, Kamakura et al disclosed the triggering event is determined by a delivery matrix according to the profile of each of the plurality of senders and the recipient preference (col.4, line 39-67, col.5, line 10-67).

**As regarding claim 5**, Kamakura et al disclosed the action comprises inserting a sender placement into the message (col.4, line 39-67, col.5, line 1-20).

**As regarding claim 6**, Kamakura et al disclosed the sender placement comprises an advertisement (col.3, line 6-15).

**As regarding claim 9**, Kamakura et al disclosed the recipient preference comprises one or more directives (col.2, line 18-38).

**As regarding claim 10**, Kamakura et al disclosed one or more of the one or more directives comprises a user defined request (col.2, line 18-38).

**As regarding claim 11**, Kamakura et al disclosed establishing the recipient preference comprises receiving one or more directives from a recipient (figure.3, advertisement reception requirement receive register advertisement requirement reception requirement from the receiver terminal).

**As regarding claim 12**, Kamakura et al disclosed there is no independent relationship between any pair of the plurality of senders (figure 2, col.5, line 51-64).

**As regarding claim 13**, Kamakura et al disclosed maintaining a first profile comprising a plurality of filters of a first sender (col.2, line 1-27); Maintaining a second profile comprising a plurality of filters of a second sender (col.5, line 51-64, plurality of senders); Associating a first action with any combination of the plurality of filters of the first sender (col.2, line 1-27); Associating a second action with any combination of the plurality of filters of the second sender (col.5, line 61-64, the plurality of senders).

Kamakura et al did not disclose generating a single message according to a collaboration of the first action and the second action; and delivering the single message to a recipient.

Deo et al disclosed generating a single message according to a collaboration of the first action and the second action and delivering the single message to a recipient (col.1, line 52-57).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Kamakura et al with Deo et al to generating a single message because by combining messages that are destined for a common address able to awake the mobile device less often and thus is able to conserve power on the mobile device (see Deo et al col.10, line 1-6).

**As regarding claim 14**, Kamakura et al disclosed maintaining a third profile of the recipient, wherein delivery of the single message is determined in accordance with the third profile (col.2, line 18-38).

**As regarding claim 15**, Deo et al disclosed the collaboration comprises combining the first action and the second action into a third action, wherein the third

Art Unit: 2143

action is not identifiable in the one or more directives of the first sender nor in the one or more directives of the second sender (col.9, line 15-30, figure 7). The same motivation that was utilized in the combination of claim 13, applied equally as well to claim 15.

**As regarding claim 16**, Kamakura et al disclosed maintaining a first relationship with a first sender (col.2, line 1-27); maintaining a second relationship with a second sender (col.2, line 1-27, col.5, line 51-64, plurality of senders); Maintaining a third relationship with a recipient (col.2, line 1-38);

Kamakura et al did not disclose generating a message according to a combination of the first relationship, the second relationship and the third relationship.

Deo et al disclosed generating a message according to a combination of the first relationship, the second relationship and the third relationship (figure 7, col.9, line 15-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method of Kamakura et al with Deo et al to generating a single message based on the relationship of senders and recipient because by combining messages that are destined for a common address able to awake the mobile device less often and thus is able to conserve power on the mobile device (see Deo et al col.10, line 1-6).

**As regarding claim 17**, Kamakura et al disclosed each of the first, the second and the third relationship exist and operate independently of each other (col.5, line 51-64).

**As regarding claim 18** is rejected for the same rationale as claim 1.

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamakura et al and Deo et al as applied to claims 1,2,5 above, and further in view of Lanzillo, JR et al (us 20020032602).

As regarding claim 7, Kamakura et al and Deo et al disclosed all of the limitation of claims 1, 2, 5 above but the combination of Kamakura et al and Deo et al did not disclose the sender placement comprises a coupon.

Lanzillo, JR et al disclosed the sender placement comprises a coupon (page 3, paragraph 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Kamakura et al and Deo et al with Lanzillo, JR et al to have the sender placement comprises a coupon because sending coupon to recipient is one of the method of advertising.

**As regarding claim 8**, Kamakura et al and Deo et al disclosed all of the limitation of claims 1, 2, 5 above but the combination of Kamakura et al and Deo et al did not disclose the sender placement comprises a link to sender web address.

Lanzillo, JR et al disclosed the sender placement comprises a link to sender web address (page 3, paragraph 20).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combination of Kamakura et al and Deo et al with Lanzillo, JR et al to have the sender placement comprises a link to sender web address.



Art Unit: 2143

Including a link with the message is well known in the art and it would reduce the network bandwidth and retrieving time of the user.

Art Unit: 2143

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner  
Duyen Doan  
Art unit 2143

DD

Will C Vaughn  
Primary Examiner  
Art Unit 2143  
William C. Vaughn, Jr.